

## CITY OF LEON VALLEY



### CITY OF LEON VALLEY CITY COUNCIL SPECIAL MEETING

Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, Texas 78238  
Monday, August 18, 2014

### MINUTES

The City Council of the City of Leon Valley, Texas met on the 18<sup>th</sup> day of August, 2014 at 6:15 p.m. at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business:

#### **Call to order, Determine a Quorum is Present.**

Mayor Riley called the Special City Council Meeting to order at 6:15 p.m. Mayor Riley and asked Marianna Sanchez of 7306 Ellerby Pt. to lead the Pledge of Allegiance, which she did.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Councilmen Ricardo Ruiz, Carmen Sanchez, Abraham Diaz, Benny Martinez and Paul Biever.

Also in attendance were:

City Manager Manuel Longoria, Jr., City Secretary Sandra Passailaigue, Human Resources Director Crystal Caldera, Economic Development Director Claudia Mora.

**The City Council shall meet in Executive Session under Texas Government Code §551.071 Consultation with Attorney to discuss the following:**

- a) Consultation with Attorney Concerning the Jazz Festival Event Options.**

The City Council went into Executive Session at 6:42 p.m.

**Reconvene into Regular Session and take action on issues discussed in Executive Session if necessary.**

A motion was made by Councilman Benny Martinez, seconded by Councilman Ricardo Ruiz, that immediately, the City pay Mr. Anthony Tobias \$500.00 for the advertising portion of the Jazz Festival and put \$10,000 in escrow with the first payment of \$5,000 payable shortly after October 1<sup>st</sup> and the remaining balance after the completion of the Jazz Festival and upon resolution by City Council. Upon a unanimous vote, Mayor Riley announced the motion carried.

Mayor Riley announced a recess of the Special Meeting at 6:45 p.m.

## **SPECIAL CITY COUNCIL MEETING**

### **7:00 P.M. Call to order, Determine a Quorum is Present, Pledge of Allegiance.**

Mayor Riley called the Special City Council Meeting to order at 7:00 p.m.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Councilmen Ricardo Ruiz, Carmen Sanchez, Abraham Diaz, Benny Martinez and Paul Biever.

City Manager Manuel Longoria, Jr., City Secretary Sandra Passailaigue, Human Resources Director Crystal Caldera, Economic Development Director Claudia Mora, Public Works Director Melinda Moritz, Police Chief Randal Wallace, Fire Chief Luis Valdez, Community Development Director Kristie Flores and Finance Director Vickie Wallace were also present.

Mayor Riley asked if any of the Councilmembers wished to pull Items from the Consent Agenda for discussion, Councilman Benny Martinez announced that he would like to pull Item 6. Mayor Riley then announced that Item 6 would follow Item 5 – Citizens to be heard as stated on the agenda.

### **Citizens to Be Heard**

- Al Uvietta – 6923 Sunlight Dr. – spoke in opposition of what he heard at the last Council meeting from citizens petitioning against the Hike & Bike Trail Project.
- Jess Barrera – 5809 El Verde Rd. - suggested that the City bring in San Antonio River Authority and Bexar County to give a status report on the Huebner Creek Project. Mr. Barrera added that he would like to see this at a Coffee and not a Council meeting.
- Belinda Ealy – 7314 Canterfield Rd. – spoke in regards to the ADA accessibility of the current trail saying she had no problem maneuvering her wheel chair through it.
- Marianna Sanchez – 7306 Ellerby Pt. – spoke on three points: 1) keeping the natural area natural; 2) appreciation for putting out a fire at her grandmother's home; and 3) the "hard work" each of the Council members put into serving the City.
- Grace Riley – 6939 Forest Way – showed a video she recorded of Ms. Ealy using her wheelchair to go through the natural area.

## **CONSENT AGENDA**

**Consideration of Ordinance No. 14-018, an ordinance accepting the bid and awarding the FY 2014 street sealcoat project contract to D&A Technology & Development, LLC, and authorizing the City Manager to sign the contract, with an option for an additional year, and change orders up to 25 percent of the bid amount. M&C 2014-08-18-02 (M. Moritz)**

Public Works Director Melinda Moritz presented the item pointing out that only one bid was received by the deadline date of 2 p.m., August 12, 2014, and it was from D & A Technology & Development, LLC, and that it met all of the qualifications. Ms. Moritz concluded her presentation saying that staff is recommending that the City Council accept the qualified bidder and award the contract for the FY 2014 Street Sealcoat Project to D & A Technology & Development, LLC, and authorize the City Manager to sign the contract, with an option for an additional year, and change orders up to an additional 25 percent of the bid amount.



Councilman Benny Martinez said that many streets in Leon Valley have had multiple seal coat layers which has left many with very little curb space. Councilman Martinez made a suggestion that the City either go through and remove the old seal and get it down to the original seal, low on the curb line; re-bid the project to get more bids; re-think the 25% change order suggestion. Lastly, Councilman Martinez said he had no objection to the City Manager negotiating the contract but feels the contract should come back to the City Council and that the Mayor should sign it.

A motion was made by Councilman Abraham Diaz, seconded by Councilman Paul Biever, to approve the contract for the FY 2014 Street Sealcoat Project to D & A Technology & Development as presented. The City Council voted four (4) for and one (1) opposed with Councilman Benny Martinez casting the negative vote. Mayor Riley announced that the motion carried.

### **REGULAR AGENDA**

**Full discussion of the Hike & Bike trail route, including but not limited to conditions of grant, original proposal by City of Leon Valley, the 2005 and 2008 ordinance establishing the lease and Natural Area trail route and conditions and establishing the Huebner-Onion Natural Area Park; possible alternative routes for the trail, including obtaining expert advice on a Poss Road/Salazar Road option; possible delay of the scheduled construction date, possible town hall meeting to discuss this issue, possible voter consideration of trail route on November 2014 ballot, other alternatives to garner city input and appropriate action on any of the above options. (Mayor Riley)**

City Attorney Charles Zech informed the Mayor, Council and City Manager that the Council would need to go into Executive Session in order for him to give them legal advice.

The City Council convened into Executive Session under Texas Local Government Code §551.071 Consultation with Attorney at 7:26 p.m.

The City Council reconvened at 8:12 p.m.

Mayor Riley called up citizens that had signed up to speak on this item.

- Al Uvietta – 6923 Sunlight Dr. – Mr. Uvietta gave a timeline on the Hike & Bike Trail Project from conception to current date.
- Marcus Semmelmann – 5919 Rimkus Dr. – asked that Executive Sessions be held either before the public meeting or after but not during.
- Marianna Sanchez – 7306 Ellerby Pt. – who brought along with her Grace Riley, Esther Cooley and Matthew Cooley who expressed their concerns about “laying concrete in the natural area”.
- Mary Key – 7418 Canterfield Rd. – spoke on behalf of the Earthwise Living Committee and read aloud a letter submitted to the City by Committee President Sandra Keller.
- Kathy Hill – 6326 Mary Jamison – spoke in favor of re-routing the trail and in favor of working this out and coming up with a solution that is in the best interest of the community.
- Cynthia Koger – 6727 Sunlight Dr. – spoke about New York’s Central Park.
- Darby Riley – 6939 Forest Way – spoke about the legal opinion that was given during the August 11, 2014 Council meeting and read aloud a letter from another person giving their opinion.

- Belinda Ealy – 7314 Canterfield Rd. – spoke about preserving the natural habitat.
- Rita Burnside – 6938 Forest Way – spoke about her involvement in Earthwise Living Committee and showed a newspaper article about “*Must See Communities*” and asked why Leon Valley isn’t named.
- Liz Maloy – 7411 Chenal Pt. – passed on speaking at this time.
- Olen Yarnell – 7230 Sulky Ln. – handed out an additional page to the previously submitted petition and a proposed re-route of the trail and asked that the Council consider it in their deliberations.
- Lyn Joseph – 6423 Trotter Ln. – spoke in opposition about the citizens not voting on this trail.
- Sharon Hendricks – 6015 Aids – spoke about the route of the path and suggested that the path go down in the bed of the creek.

This was followed by a lengthy discussion.

A motion was made by Councilman Benny Martinez, seconded by Councilman Carmen Sanchez, to repeal Resolution No. 14-007R and table further discussion on this Hike & Bike Trail until Bexar County completes the LC17 Project sometime in 2017/2018.

Mayor Riley then called for a call vote to which the City Council replied: Councilman Ruiz – Nay; Councilman Sanchez – Aye; Councilman Diaz – Nay; Councilman Martinez – Aye; and Councilman Biever – Nay.

The City Council voted two (2) for and three (3) opposed. Mayor Riley announced that the motion failed.

**Conduct the second of two public hearings and readings, and consider action on a resolution approving the expenditure of LVEDC funds in a grant of \$200,000 to LOQ Bandera Road Holdings, LLC. M&C # 2014-08-18-03 (C. Mora)**

Economic Development Director Claudia Mora presented saying that if approved by the City Council, the funding will allow LOQ Bandera Road Holdings, LLC to make renovations to the existing facilities on the property. The construction and renovation are part of the plans to develop the property as an entertainment and retail center focused on educating and attracting people of all ages. The first Public Hearing was held on August 11, 2014.

Property Brokers, Ben Edelstein and Todd Wallace, were both present for questions.

Mayor Riley opened the Public Hearing at 9:30 p.m.

- Liz Maloy – 7411 Chenal Pt. – spoke about her concerns with increased traffic that could be expected with the aquarium; and 2014 General Election candidates receiving campaign funds from the LOQ Bandera Road Holdings, LLC.
- Olen Yarnell – 7230 Sulky Ln. – spoke about the Permitted Use Table and wanted to know if there is a plan to bring the item before the Zoning Commission; the potential need for a traffic study; and how is the City going to handle this if the aquarium goes bankrupt.
- Marcus Semmelmann – 5919 Rimkus Dr. – spoke about a traffic study; parking needs of the aquarium; sales tax; and volume of water needed.
- Irene Baldrige – 6368 Parsley Hill – spoke about the need for a traffic study.



- Nicole Monsibais – 5421 Caraway Bend - spoke in favor of the aquarium; and beautification of the area.
- David Jordan – 5309 Cilantro Pl. – spoke about increased police presence; light and noise discipline; and that he welcomes economic development.
- Rita Burnside – 6938 Forest Way – spoke about Sea World's stock decline; questioned the mix use designation of this property.
- Lyn Joseph – 6423 Trotter Ln. – spoke of her concerns with the training requirements of the aquarium staff; and maintaining "good quality" staff.
- Guadalupe Diaz – spoke of her excitement in welcoming the aquarium not only for Leon Valley but for the schools.
- Walter Geraghty – 7315 Ellerby Point – spoke about the need for a traffic study; and questioned the ticket price for the aquarium.

Mayor Riley closed the Public Hearing at 10:16 p.m.

**Consideration of Resolution No. 14-019R of the City Council of the City of Leon Valley approving the Leon Valley Economic Development Corporation (LVEDC) project funding of \$200,000 in a grant to LOQ Bandera Road Holdings, LLC for the construction and renovation of 6320 Bandera Road, Leon Valley, TX. M&C # 2014-08-18-04 (C. Mora)**

A motion was made by Councilman Paul Bieber, seconded by Councilman Ricardo Ruiz, to approve Resolution No. 14-019R as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Mayor Riley called for a five minute recess at 10:22 p.m.

The City Council reconvened at 10:29 p.m.

**Presentation of the Proposed Fiscal Year 2014-15 Budget. M&C # 2014-08-18-05 (M. Longoria)**

City Manager Manuel Longoria, Jr. presented the proposed Fiscal Year 2014-15 Budget saying that this is a balanced budget that provides revenue sufficient to meet budgeted expenditures for operations, capital improvements, equipment replacement, and debt service for the next fiscal year. Mr. Longoria added that the City is in sound financial condition with an overall unappropriated Fund Balance of \$2,792,442. Overall General Fund Revenues are \$7,835,059. The budget expenditures are \$7,811,101. Staff is recommending a tax rate of \$0.575507 cent per \$100 of valuation for Fiscal Year 2015. The tax components are \$0.476752 for Maintenance and Operations; and \$0.098755 for Interest and Sinking Fund Debt Service. The General Fund proposed Fiscal Year 2015 revenues are budgeted at \$7,835,059; Sales Tax revenue is budgeted at \$2,095,190; Franchise Fees are budgeted at \$840,098; Crime Control revenue is budgeted at \$261,866; The Water and Sewer Fund revenues for FY 2015 are budgeted at \$3,582,169. Expenditures include funds for a new police officer, which is funded by the Crime Control and Prevention District; \$94,000 is budgeted for police and fire furnishings for the new facility; funding in the amount of \$16,000 is budgeted to implement our public safety departments migration to 800MHz dispatch; funds of \$20,000 are budgeted for a new basketball court at the Silo Park located on Huebner Road; \$20,000 is included for installation of sidewalks in the City; \$40,000 for the pool management contract; \$300,000 is included in the Street Maintenance Tax Fund for design fees associated with the Evers Road reconstruction project; \$35,000 is budgeted to support



Leon Valley Festival activities; Funds of \$30,000 are intended for relocation of administration staff during the final phase of construction; \$20,000 is funded to purchase new books for the Library. The Grant, Building Security, Child Safety, Municipal Court Technology, Debt Service and Police Forfeiture Funds proposed budgets total \$927,758. The CPS CIED Fund budget is \$2,069,016. The Community Center Fund proposed budget totals \$171,063. The Street Maintenance Tax Fund proposed budget totals \$1,393,806. The newly created Crime Control and Prevention District proposed budget totals \$180,653. The employee compensation includes: funding for the Salary Market Compensation Study with approximately 33 employees receiving a pay adjustment to raise their salaries to market levels, and approximately 73 employees who have salaries at market will receive, on average a 3% pay adjustment; all employees will receive a 1% Cost of Living Adjustment (COLA); the continuation of the longevity pay system where employees receive \$4 per month for each year of service to the City; an annual increase of \$200 for police and fire uniform allowance; Texas Municipal Retirement System (TMRS) contribution rate that will decrease as of January 1, 2015 from 16.56% to 15.88%; Includes funding for the City's Medical Insurance Program which includes medical, dental, vision and life insurance coverage.

The presentation was followed by a brief discussion.

**Presentation of the Leon Valley Economic Development Corporation (LVEDC) Proposed Fiscal Year 2014-15 Budget. M&C # 2014-08-18-06 (C. Mora)**

Economic Development Director Claudia Mora presented the LVEDC Fiscal Year 2014-2015 Budget which was developed by using an average of the previous four years' sales tax revenue generated by the 1/8 of one-cent. Ms. Mora added that the Board added an additional \$20,000 citing previous years' and current year's trend of increasing sales tax revenues. An additional \$200,000 was added to the proposed budget for a grant to LOQ Bandera Road Holdings, LLC, approved by the Board at their meeting of July 23, 2014. The total proposed LVEDC Fiscal Year 2014-2015 Budget is \$440,000.

**Consideration of Ordinance No.14-016 amending Appendix A Fee Schedule, Article A11.000 Water and Sewer Fees, Section A11.001 (c) and (d) Residential Sewer Service Rates and Non-Residential Sewer Service Rates; and Section A11.001 (g) Edwards Aquifer Authority fee to cover expenses mandated as pass through fees by the San Antonio Water Systems and the Edwards Aquifer Authority. M&C # 2014-08-18-07 (M. Moritz)**

Assistant Public Works Director David Dimaline presented this item to propose an increase in rates charged for water and sanitary sewer usage. Presently there are about 3,000 sewer connections and 2,500 water connections. The proposed increases are due to the increase in the San Antonio Water System (SAWS) sewer rate and an increase in the Edwards Aquifer Authority fee.

Mr. Dimaline concluded his presentation with the recommendation from staff that the City Council approve the Ordinance. Staff has budgeted for a water and sewer rate study to be completed during the next fiscal year. The study will take into account existing rates, as well as capital projects necessary to address aging infrastructure. At the completion of this report, staff will bring forward their recommendations to the City Council.

A motion was made by Councilman Benny Martinez, seconded by Councilman Paul Biever, to adopt Ordinance No. 14-016 as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.



**Consideration adopting a policy concerning the installation of traffic control speed-humps in residential areas. M&C # 2014-08-18-08 (L. Valdez)**

Fire Chief Luis Valdez presented this item and recommended policy that provides rules for the installation of speed humps. This policy also provides general procedures to request speed humps, guidelines for eligibility, installation and design requirements.

A motion was made by Councilman Carmen Sanchez, seconded by Councilman Ricardo Ruiz, to approve the speed hump policy that provides guidelines, rules, design, and procedures for the installation of speed humps on residential streets, and to look for a cost effective speed hump. Upon a unanimous vote, Mayor Riley announced the motion carried.

**Consideration of Resolution No. 14-020R amending the Council Code of Conduct to allow for approved or rejected items by the City Council through resolution, ordinance or general direction to City staff at a City Council meeting may not be reconsidered or placed upon a Council agenda for further discussion for a period of one (1) year unless a City Council super-majority consisting of four (4) members agree to place the item on the agenda. M&C # 2014-08-18-09 (Councilman P. Bieber)**

Councilman Paul Bieber presented the item, which was followed by a brief discussion.

Mayor Riley then called up citizens that signed up to speak on this item.

- Lyn Joseph – 6423 Trotter Ln. – spoke in opposition of Resolution No. 14-020R
- Olen Yarnell – 7230 Sulky Ln. – spoke in opposition of Resolution No. 14-020R
- Kathy Hill – 6326 Mary Jamison – spoke in opposition of Resolution No. 14-020R

Councilman Bieber withdrew the item.

**Consideration of Resolution No. 14-21R appointing members to the Infrastructure Sub-Committee, Customer Service/Communication Sub-Committee, Policy Sub-Committee and the Economic Development Sub-Committee. M&C 2014-08-18-10 (S. Passailaigue)**

The following appointments were made by Mayor Riley:

Infrastructure Sub-Committee - Councilwoman Carmen Sanchez and Councilman Paul Bieber.

Customer Service/Communication Sub-Committee - Councilman Ricardo Ruiz and Councilman Benny Martinez.

Policy Sub-Committee - Mayor Chris Riley, Councilman Abraham Diaz, Councilwoman Carmen Sanchez and Councilman Paul Bieber.

Economic Development Sub-Committee - Mayor Chris Riley, Councilman Ricardo Ruiz, Councilwoman Carmen Sanchez and Councilman Benny Martinez.

A motion was made by Councilman Paul Bieber, seconded by Councilman Carmen Sanchez, to accept Resolution No. 14-021R and the appointments as stated. Upon a unanimous vote, Mayor Riley announced the motion carried.

**Consideration of policies amending the regulations of boarders, commercial businesses and vehicles in the R-1 Zoning Districts. M&C # 2014-08-18-11 (K. Flores) City Council may go into Executive Session as allowed by LGC § 551.071 Consultation with Attorney to discuss this item if necessary.**

Mayor Riley asked that this item be postponed to the September 8, 2014 Meeting.

#### **City Manager's Report**

- a. July 5, 2014 Forest Oaks Apartment Fire
- b. Update on traffic improvements on Huebner and Evers Road (DPS)
- c. August 23, 2014 Coffee with the Mayor
- d. September 01, 2014 – Observation of Labor Day City Office Closure
- e. Monthly Departmental Reports
- f. Approved Minutes from Boards, Commissions and Committees

The following updates and reports were given by City Manager Longoria and staff: a) Fire Chief Luis Valdez gave a report on the July 5, 2014 fire at the Forest Oaks Apartments on Evers Road which included a request to City Council to upgrade the communication radios. This request is also in the proposed FY 15 budget. b) Assistant Public Works Director David Dimaline reported out that TxDOT has offered to donate surplus for the light to be upgraded at Huebner and Evers Road. The issue with the reconstruction and the acceleration lane is still on-going and is estimated to be complete in late 2015 early 2016. Work should begin in approximately ninety (90) days. c) The Coffee with the Mayor & Council will be held on August 23, 2014; and lastly d) City Hall and the Municipal Court will be closed on September 1<sup>st</sup> in observance of Labor Day.

#### **Citizens to be Heard**

- Olen Yarnell – 7230 Sulky Ln. – spoke in support of the communication upgrade for the fire and police departments.
- Kim Crawford – 7007 Forest Mont – thanked the fire department for all they do for the City of Leon Valley.

**Announcements by the Mayor and City Council Members. At this time, reports about items of community interests, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City Official.**

Councilman Ricardo Ruiz thanked everyone for the cards and letters he received due to the loss of his father who established the longest running restaurant here in Leon Valley. Councilman Ruiz asked that this meeting be dedicated in his honor.

Councilman Abraham Diaz mentioned that he contacted Representative Justin Rodriguez office in response to comments from citizens at a recent Coffee regarding the difficulty crossing Bandera Road. Representative Rodriguez set up a meeting between Councilman Diaz and Ruiz along with



TxDOT to remedy the situation. As of today, a sign has been erected stating "DO NOT BLOCK INTERSECTION".

Councilman Benny Martinez informed the Council of a three day CERT training class being held in Leon Valley for disaster training. Those interested may contact Councilman Martinez for more information.

Mayor Riley announced that VIA Transit was awarded two million dollars through the MPO and they decided to give it to the suburban cities for bus shelters. The amount Leon Valley will receive is 13% which is \$268,000. Mayor Riley and the City Manager are discussing how and where that will be best utilized. Mayor Riley also informed everyone that misinformation is going around that people have to pay for the CPS smart meters and she wants everyone to know that that is not true.

### Adjournment

A motion was made by Councilman Benny Martinez, seconded by Councilman Paul Biever to adjourn the Special City Council meeting at 12:45 a.m. on Monday, August 18, 2014. Upon a unanimous vote, Mayor Riley announced the motion carried.

These minutes approved by the Leon Valley City Council on the 8<sup>th</sup> of September, 2014.

APPROVED

*Chris Riley*

CHRIS RILEY  
MAYOR

ATTEST:

*Saundra Passailaigue*

SAUNDRA PASSAILAIGUE, TRMC  
CITY SECRETARY

